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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR00-276-MJP  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 ROBERT F. HARDY, JR., ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on January 4, 2006. The United States was represented by AUSA Donald M. Currie and the  
16 defendant by Robert Gombiner for Carol Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about October 27, 2000 by the Honorable Barbara  
18 Jacobs Rothstein on a charge of Bank Fraud and sentenced to 18 Months Custody, 5 years  
19 Supervised Release. (Dkt. 16).

20 The conditions of supervised release included requirements that defendant comply with all  
21 local, state, and federal laws and with the standard conditions of supervision. Other special  
22 conditions included no firearms, narcotic addiction/drug dependency treatment and testing, refrain

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01 from alcohol and other intoxicants, submit to search, participate in a mental health program,  
02 provide access to financial information, disclose all assets and liabilities, no new credit without  
03 permission, do not possess identification documents in any but true name, and restitution in the  
04 amount of \$10,000.

05 On January 22, 2003, defendant's probation officer reported that he tested positive for  
06 cocaine. No action was taken at the time, it being the first positive test result since commencing  
07 supervision. (Dkt. 19).

08 In an application dated July 17, 2003, U.S. Probation Officer Michael K. Banks alleged  
09 the following violation of the conditions of supervised release:

- 10 1. Failing to report for the month of June 2003 in violation of standard condition #2.
- 11 2. Failing to report a change of residence and a change of employment in violation  
12 of standard condition #6.
- 13 3. Failing to make restitution as directed, in violation of the special condition requiring  
14 him to do so.

15 Defendant was advised in full as to those charges and as to his constitutional rights.

16 Defendant admitted each of the alleged violations and waived any evidentiary hearing as  
17 to whether they occurred.

18 I therefore recommend the Court find defendant violated his supervised release as alleged  
19 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
20 set before Judge Pechman.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 4th day of January, 2006.

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04 Mary Alice Theiler  
05 United States Magistrate Judge

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07 cc: District Judge: Honorable Marsha J. Pechman  
08 AUSA: Donald M. Currie  
09 Defendant's Attorney: Robert Gombiner  
10 Probation Officer: Michael K. Banks  
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